

**REMARKS**

Claims 1-20 are the claims pending in the application. Applicant has added new claims 15-20 to more particularly define the invention. Claims 2, 6 and 14 stand objected upon informalities. Applicant gratefully acknowledges the Examiner's indication by phone that dependent claim 6 appears allowable if rewritten in independent form as no references have been cited rejecting this claim. Applicant further elects not to rewrite allowable claim 6 in independent form at this time.

Applicant further acknowledges the Examiner's indication by phone that the Examiner will prepare the equivalent to form PTO-1449 for the file wrapper based on the Examiner's cited references. Applicant has amended the specification by rewriting the trademark names of various materials in capital letters in response to the Examiner's suggestion. Applicant has amended claim 11 in response to the 35 U.S.C. Section 112, second paragraph rejection. Claims 1-5 and 7-14 stand rejected on prior art grounds. Applicants respectfully traverse the prior art rejections based on the following discussion.

**I. The Claim Objection and 35 U.S.C. Section 112, Second Paragraph  
Rejection**

In response to the Examiner's comments, Applicant, as indicated above, has amended claim 2, 6, 11 and 14 consistent with the comments.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the objection and the rejection.

## II. The Prior Art Rejections

Claim 1 is rejected under 35 U.S.C. Section 102(b) as anticipated by Trummer .

Claims 2, 5 and 8 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Trummer ("Trummer") (U.S. Patent No. 6,354,477 B1). Claim 12 is rejected under 35 U.S.C. Section 103(a) as being unpatentable over McClung, et al. ("McClung") (U.S. Patent No. 5,646,364) in view of Trummer. Claims 13 and 14 stand rejected under 35 U.S.C. Section 103(a) as being unpatentable over McClung, et al. ("McClung") (U.S. Patent No. 5,646,364) in view of Trummer, and further in view of Norris (U.S. Patent No. 6,161,738).

### A. The Rejection Based on Trummer

Regarding claim 1, Trummer fails to disclose, teach or suggest the features of independent claim 1, and related dependent claims 2, 5 and 8, including a fabric including at least one layer of a conductive material substantially surrounding the energetic initiator section including a back panel between the energetic material section and the energetic initiator section, the back panel including the conductive material and at least one layer of blast resistant and fragmentation material.

Please note, Trummer also fails to disclose, teach or suggest the features of similar independent claim 12, including providing a pack including a first section and a second section, at least one layer of blast resistant and fragmentation inhibiting material between the first section and the second section, and at least one layer of a conductive material surrounding the second section including a back panel between the first section

and the second section (as discussed below with the McClung reference). (See Page 5, lines 10-1; Page 6, lines 13-20; and Figures 1-3).

Indeed, Figures 1-7 of Trummer merely teach a conventional mobile computing bag 100, including a number of pockets 610, 612, 614 fixed to a fabric covered rigid panel 712 and an outer panel 410 also fixed to the rigid panel 712. Applicant respectfully submits that the Office Action mischaracterizes the Trummer invention as including a back panel between a first section and a second section. (Office Action, Page 3-Page 4, Sections 8 and 9).

In particular, four pockets 610, 612 and 614 are sequentially fixed to the rigid panel 712 so that two middle pockets 612, 614 are flanked on each side by a side pocket 610. The side pockets 610 may house stereo speakers 620, and thus the side pockets 610 each include a piece of fabric 616, that is, a lip, and a snap 618 to secure the stereo speakers 620. (See Trummer at Abstract; Column 1, lines 5-33; Column 6, lines 31-55; Column 8, lines 55-65; Column 9, lines 13-25 and lines 40-51; Column 10, lines 4-30; and Figures 1-7).

Please note, the Office Action refers to element 100 (what the Office Action attempts to analogize to Applicant's energetic initiator section) as a second section not the correct descriptor for this element, which is the mobile computing bag 100.

Accordingly, Trummer only discloses that the plurality of pockets 610, 612, 614 are attached to the rigid panel 712 without any back panel, let alone, a back panel between an energetic material section and an energetic initiator section as claimed by Applicant. Further, please note, contrary to the assertion in the Office Action, a side cover 102 may be fastened to the computer bag 100 by "Velcro<sup>TM</sup> fasteners," which is

structurally and functionally distinct from a back panel, let alone, a back panel comprised of at least one layer of blast resistant and fragmentation inhibiting material, which is not a Velcro<sup>TM</sup> material. "Therefore, Applicant's invention is structurally distinct from the conventional Trummer structure. Thus, Trummer does not disclose, teach or suggest including a fabric including at least one layer of a conductive material substantially surrounding the energetic initiator section including a back panel between the energetic material section and the energetic initiator section, the back panel including the conductive material and at least one layer of blast resistant and fragmentation inhibiting material.

In contrast, Applicant discloses a pack to carry, safely, energetic materials and energetic initiators, including an energetic material section 102, an energetic initiator section 104, and a back panel 112 between the energetic material section 102 and the energetic initiator section 104. In particular, the energetic initiator section 104 is surrounded by a fabric 110, which includes at least one layer of a conductive material. The fabric 110 on the back panel, which is between the energetic material section 102 and the energetic initiator section 104, includes at least one layer of blast resistant and fragmentation inhibiting material where the blast resistant and fragmentation inhibiting material of the back panel is intermediate the conductive material and the energetic initiator section, for example, as recited in new claim 15. Accordingly, the fabric 110 on the back panel 112 provides greater safety protection between the energy initiators in the energetic initiator section 104 and the energetic materials in the energetic material section 102, and thereby allows explosive ordnance disposal technicians to carry, effectively, these components without an increase in weight of the carry bag.

For emphasis, Applicant discloses the back panel 112 between the energetic material section 102 and the energetic initiator section 104, where the back panel 112 includes a conductive material and at least one layer of blast resistant and fragmentation inhibiting material, whereas the conventional Trummer structure, as indicated above, discloses the plurality of pockets 610, 612, 614 attached to the rigid panel 712 without any back panel, let alone, a back panel between an energetic material section and an energetic initiator section. Therefore, Trummer only discloses or teaches a computer bag with side pockets 610 separated by a plurality of pockets 612, 614, and a rigid panel 712 not a back panel 112 between the energetic material section 102 and the energetic initiator section 104.

Thus, Applicants' invention is structurally distinct from the Trummer invention as Applicant's invention is configured to provide a pack, which safely allows explosive ordnance disposal technicians to carry, safely, energy initiators and energetic materials. In contrast the Trummer invention is a conventional mobile computing bag to carry a computer but may likely provide little if any protection should an explosive ordnance disposal technician attempt to use the Trummer computer bag to carry energy initiators and energetic materials.

Based on the above, the Applicants traverse the assertion that Trummer discloses or teaches Applicants' invention of independent claim 1, and related dependent claims 2, 5 and 8.

Please note, Applicant agrees with the Examiner that Trummer does not disclose or teach the selection of fabrics claimed by Applicant. However, Applicant traverses the assertion that one of ordinary skill in the art could simply selected the fabrics used by

Applicant as a simply design choice. Trummer is a computer bag and does not disclose or teach using the computer bag to contain explosive components. Thus, Trummer provides no motivation or teaching in the area of explosives, and one of ordinary skill in the computer area would not have the skill to design carrying bags in the explosive technology containment area.

For at least the reasons outlined above, Applicants submits that Trummer, alone or in combination, does not disclose, teach or suggest, including a fabric including at least one layer of a conductive material substantially surrounding the energetic initiator section including a back panel between the energetic material section and the energetic initiator section, the back panel including the conductive material and at least one layer of blast resistant and fragmentation inhibiting material as recited in independent claim 1, and related dependent claims 2, 5 and 8.

For at least the reasons outlined above, Applicants submits that Trummer, alone or in combination, does not disclose, teach or suggest, including providing a pack including a first section and a second section, at least one layer of blast resistant and fragmentation inhibiting material between the first section and the second section, and at least one layer of a conductive material surrounding the second section including a back panel between the first section and the second section as recited in independent claim 12.

#### B. The Rejection Based on McClung in view of Trummer

Regarding independent claim 12, first the references, separately, or in combination, fail to disclose, teach or suggest a reason or motivation for being combined.

In particular, McClung pertains to an explosive device for attachment to a user engaged in underwater demolition, which attempts to provide an improved lightweight, explosive carrier device having a quick, simple manner for adjusting the overall ballast. (See McClung at Abstract; and Column 1, lines 5-11 and lines 45-65).

By contrast, Trummer, which pertains to a mobile computing bag for receiving a portable personal computer, as indicated above, does not have the same aim as McClung.

Nothing within McClung, which relates to a lightweight explosive carrier device, suggests a mobile computing bag for receiving a portable personal computer, as disclosed in Trummer.

Therefore, one of ordinary skill in the art would not have combined these references absent hindsight.

Second, even assuming that the references would have been combined, McClung does not disclose, teach or suggest the features of independent claim 12, including providing a pack including a first section and a second section, at least one layer of blast resistant and fragmentation inhibiting material between the first section and the second section, and at least one layer of a conductive material surrounding the second section including a back panel between the first section and the second section. (See above).

Further, Applicant agrees with the Examiner that McClung does not disclose, teach or suggest the use of a conductive material as recited in claim 12. Indeed, Applicant notes that even an explosive technology reference, e.g., McClung, does not disclose a conductive material. Thus, to assert that, computer bag technology teaches combining conductive material and blast resistant material is unsupported as indicated above. (See Office Action, Page 5, Section 16).

Instead, Figures 1-3 of McClung recite a conventional explosive device 14, including an explosive charge 16E located within a tray 28 of an explosive charge assembly 16, and a detonator 40 coupled to a buoyant cover 18 of the tray 28 without any back panel between a first section and a second section (what the Office Action attempts to analogize to a detonator 40). Accordingly, McClung does not disclose or teach at least one layer of a conductive material surrounding the second section including a back panel between the first section and the second section as claimed by Applicant. Since the explosive device does not include any back panel, McClung is deficient and thus does not disclose, teach or suggest, including providing a pack including a first section and a second section, at least one layer of blast resistant and fragmentation inhibiting material between the first section and the second section and at least one layer of a conductive material surrounding the second section including a back panel between the first section and the second section of independent claim 12. (See McClung, Column 4, line 10-Column 5, line 25; and Figures 1-3).

Trummer is also deficient and does not make up for the deficiencies of McClung.

Trummer, as discussed in detail above regarding independent claim 1, also does not disclose, teach or suggest, including providing a pack including a first section and a second section, at least one layer of blast resistant and fragmentation inhibiting material between the first section and the second section, and at least one layer of a conductive material surrounding the second section including a back panel between the first section and the second section as recited in very similar independent claim 12.



Please note, Applicant traverses the assertion that Trummer, which relates to computer bags, provides any teaching of using conductive material to reduce static electrical charges in the field of carrying bags for explosives.

For at least the reasons outlined above, Applicant respectfully submits that neither McClung nor Trummer, alone or in combination, disclose, teach or suggest including the above features as recited in independent claim 12 of Applicant's invention.

For the reasons stated above, the claimed invention, and the invention as cited in independent claim 12 is fully patentable over the cited references.

C. The Rejection Based on McClung in view of Trummer and further in view of Norris

To make up for the deficiencies of McClung and Trummer as discussed above, the Examiner relies on Norris. Norris fails to do so.

First, Norris does not have the same aim as either McClung or Trummer as discussed above, and the urged combination would not have been made, absent hindsight.

Secondly, Norris does not disclose, teach or suggest, including providing a pack including a first section and a second section, at least one layer of blast resistant and fragmentation inhibiting material between the first section and the second section, and at least one layer of a conductive material surrounding the second section including a back panel between the first section and the second section as cited in independent claim 12.

Further, Norris does not disclose, teach or suggest, including the pack further comprises at least one layer of a polycarbonate material, which hardens when impacted by a projectile as recited in dependent claim 13. Norris also does not disclose, teach or

suggest, including the pack further comprises multiple layers of polycarbonate material, which harden when impacted by a projectile, which is surrounded by blast resistant and fragmentation inhibiting material, which is surrounded by nylon between the first section and second section as recited in dependent claim 14.

Instead, Norris recites a bag style container 10 with a bullet resistant deployable panel 32, which may be attached around an internal compartment 12 used to carry high speed projectiles without any back panel or a second section. Thus, Norris clearly does not teach or suggest at least one layer of blast resistant and fragmentation inhibiting material between the first section and the second section, and at least one layer of a conductive material surrounding the second section including a back panel between the first section and the second section. Since the bag container does not have a back panel without any back panel or a second section, Norris is deficient and thus does not teach the limitations of independent claim 12.

For at least the reasons stated above, the claimed invention as defined by dependent claims 13 and 14 are fully patentable over the cited references.

### III. Formal Matters and Conclusions

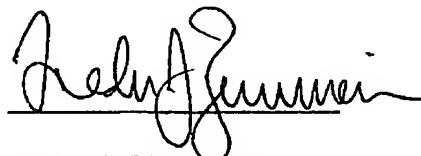
In view of the foregoing, Applicants submit that claims 1-20, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayment to Attorney's Deposit Account Number 50-1114.

Respectfully submitted,

Dated: 14 March 2005



Fredric J. Zimmerman  
Registration No. 48, 747

Office of Counsel Code OC4  
Naval Surface Warfare Center  
Indian Head Division  
101 Strauss Ave., Bldg. D-31  
Indian Head, MD 20640-5035